

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA)

v.)

Case No. 5:20-MJ- 044 (ml)

TIMOTHY B. PEASE)

Defendant)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the dates of December 22, 2019 through January 5, 2020 in the county of Onondaga in the Northern District of New York the defendant violated:

Code Section

18 U.S.C. § 2252A(a)(1)

Offense Description

Transportation of child pornography using a means and facility of interstate and foreign commerce, and in and affecting such commerce

This criminal complaint is based on these facts:
See Attached Affidavit

☒ Continued on the attached sheet.


Complainant's signature

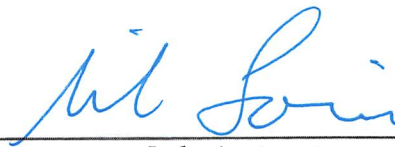
Martin Baranski, Special Agent, FBI

Printed name and title

Attested to by the applicant in accordance with the requirements of Rule 4.1 of the Federal Rules of Criminal Procedure.

Date:

1/23/2020


Judge's signature

City and State: Binghamton, New York

Hon. Miroslav Lovric, U.S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Martin Baranski, being duly sworn, depose and state:

INTRODUCTION

1. I am a Special Agent employed by the United States Department of Justice, Federal Bureau of Investigation (“FBI”). I am an investigative or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510(7)—that is, I am an officer of the United States who is empowered by law to conduct investigations of offenses enumerated in Title 18, United States Code, Section 2516(1). As an FBI Special Agent, I am authorized to seek and execute federal arrest and search warrants for Title 18 criminal offenses, including offenses related to the sexual exploitation of minors in violation of Title 18, United States Code, Sections 2252 and 2252A. I have been a Special Agent with the FBI since October 2018. I am currently assigned to the FBI’s Albany Division. I have received training in the area of child sexual exploitation and have had the opportunity to observe and review examples of child pornography in all forms of media, including computer media.

2. This affidavit is made in support of a criminal complaint charging Timothy B. Pease with knowingly transporting child pornography, using a means and facility of interstate and foreign commerce, and in and affecting such commerce, in violation of 18 U.S.C. § 2252A(a)(1).

3. The statements contained in this affidavit are based upon my investigation, information provided by other law enforcement officers and FBI personnel, and on my experience and training as a Special Agent of the FBI. As this affidavit is being submitted for the limited purpose of establishing probable cause for a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe

are necessary to establish probable cause to believe that Pease has transported child pornography in violation of 18 U.S.C. § 2252A(a)(1).

FACTUAL BACKGROUND

5. On January 9, 2020, your affiant received information from FBI Online Covert Employee ("OCE") 10174 regarding communications with user "t.b.pease" on the online mobile platform, Kik.¹ In these Kik conversations with OCE 10174, t.b.pease stated that he posed as a teenage girl in order to solicit sexually explicit photographs and videos from underage boys.

6. OCE 10174 also engaged in conversations with t.b.pease on the Telegram² online mobile platform where he used the vanity name "TP". In a shared Telegram group entitled "Boy pics," OCE 10174 observed that TP had posted the following images of child pornography on the following dates:

- a. On December 22, 2019, TP posted six images a male child under the age of 15 that depict the lewd and lascivious display of the child's erect penis.
- b. On December 27, 2019, TP posted a 1 minute, 59 second video file depicting a child under 12 being anally penetrated by an adult male.
- c. On December 29, 2019, TP posted five images depicting the lewd and lascivious display of a teenage male's erect penis.
- d. On January 1, 2020, TP posted six images of a teenage male under the age of 15, that depict the lewd and lascivious display of the child's erect penis, with caption

1 Kik Messenger, or Kik is a "free instant messaging and social networking app[lication] that uses [a] smartphone's data plan or Wi-Fi connection to send messages to other Kik users, bypassing SMS (short message service). It's available on iOS, Android, and Amazon for Kindle Fire." <https://www.digitaltrends.com/mobile/what-is-kik/>

2 Telegram is an application that "is like SMS and email combined," allowing users to "send messages, photos, videos and files of any type (doc, zip, mp3, etc), as well as create groups for up to 200,000 people or channels for broadcasting to unlimited audiences." <https://telegram.org/faq#q-what-is-telegram-what-do-i-do-here>

"First of the year," "Enjoy," and an 8 second video of a teenage male masturbating.

e. On January 2, 2020, TP posted five images of a teenage male that depict the lewd and lascivious display of the child's erect penis, and one masturbation video of the same child with the caption "Last night's snap chat catch."

f. On January 5, 2020, TP posted four images of a teenage male under the age of 15 depicting the lewd and lascivious display of the child's erect penis.

7. TP indicated that most of the images he posted were obtained by him through Snapchat communications with the underage male victims depicted in the images. In a Telegram chat dated January 5, 2020, TP also stated to OCE 10174 that he obtains these images by "a little trickery" and is "working a boy r[ight] n[ow]." The postings to the Telegram group are available for the Court's inspection upon request.

8. Investigation revealed that IP addresses used by t.b.pease and TP resolved back to the residence address of Timothy Baughman Pease in Kirkville, New York, and on January 23, 2020, a search warrant issued by the United States District Court for the Northern District of New York was executed at Pease's residence.

9. Upon interview with Timothy Pease at the time of the search, Pease told federal agents that he was the user of the Telegram and Kik accounts discussed above and that the images and videos posted to the Telegram account were, in fact, posted by him.

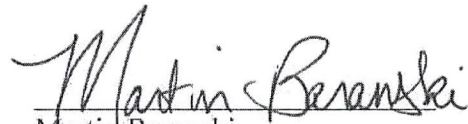
10. Upon limited preview of Timothy Pease's electronic devices seized during the search, media files depicting child pornography were discovered including several hundred images and several dozen video files.

11. Based upon the above information, there is probable cause to believe that Timothy Pease is the user of the t.b.pease and TP accounts, and that he used the accounts to transport child pornography, by posting the images and videos described above in the Telegram group "Boy pics."

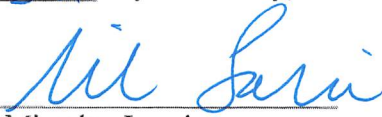
CONCLUSION

12. Based on the foregoing, there is probable cause to conclude that Timothy B. Pease knowingly transported child pornography, using a means and facility of interstate and foreign commerce, and in and affecting such commerce, in violation of 18 U.S.C. § 2252A(a)(1).

ATTESTED TO BY THE APPLICANT IN ACCORDANCE WITH THE REQUIREMENTS OF RULE 4.1 OF THE FEDERAL RULES OF CRIMINAL PROCEDURE.


Martin Baranski
Special Agent
Federal Bureau of Investigation

Sworn to before me
this 23rd day of January, 2020


Hon. Miroslav Lovric
United States Magistrate Judge